

REMARKS

Claims 7-16 and 24-35 are pending in the application. It is gratefully acknowledged that the Examiner has objected to Claim 8 has been as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has objected to Claims 8 and 24-29 because of informalities. The Examiner has rejected Claims 24-35 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner has rejected Claim 7 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. (U.S. Patent 5,923,650) in view of Terashima (U.S. Patent 6,385,232 B1) and Terasawa et al. (U.S. Patent 6,385,264 B1). The Examiner has rejected Claims 9-12 under 35 U.S.C. §103(a) as being unpatentable over Popovic (U.S. Patent 6,567,482 B1). The Examiner has rejected Claims 13-16 under 35 U.S.C. §103(a) as being unpatentable over Terasawa et al. in view of Nystrom et al. (U.S. Patent 6,526,091 B1). The Examiner has rejected Claim 20 under 35 U.S.C. §103(a) as being unpatentable over Samsung Electronics Co. TSGR1#6(99)915 in view of Nystrom et al. The Examiner rejected Claims 24, 25, 27-31 and 33-35 under 35 U.S.C. §103(a) as being unpatentable over Ostberg et al. (U.S. Patent 6,504,830 B1) in view of Chen et al. The Examiner rejected Claims 26 and 32 under 35 U.S.C. §103(a) as being unpatentable over Ostberg et al. in view of Chen et al. and further in view of Terasawa et al.

Please cancel Claims 7 and 8 without prejudice.

The Examiner has objected to Claims 24-29 because of informalities. Claim 24 has been amended from “the base station” in line 4 to read “a base station”. Based on at least the foregoing, withdrawal of the objection to Claim 24 is respectfully requested.

The Examiner has rejected Claims 24-35 under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 24 has been amended to change “the scrambled channel signals” in line 7 to read “the scrambled common and data channel signals”. Claim 28 has been amended to change “the data channel” to read “a data channel”. Claim 30 has been amended from “the data channel” to read “a data channel”. Claim 34 has been amended from “the secondary scrambling

code” to read “a secondary scrambling code”. Amended Claims 24, 28, 30 and 34 are set forth herein. Based on at least the foregoing, withdrawal of the rejection to Claims 24-35 under 35 U.S.C. §112 is respectfully requested.

Claims 9, 13, 27 and 33 have been amended to correct typographical errors.

The Examiner has rejected Claims 9-12 under §103(a) as being unpatentable over Popovic, with Claim 9 being in independent form. Popovic discloses a method and apparatus for synchronization in spread spectrum communications. Claim 9 relates to identifying a secondary scrambling code, whereas Popovic relates to synchronization codes. The technical fields of the present invention and the cited references are so different from each other that equating a scrambling code with a synchronization code is improper. Moreover, Popovic does not disclose the subject matter of Claim 9. More specifically, according to Claim 9, the primary scrambling codes are assigned on a per cell basis to identify the cells and are used in scrambling common channel signals. The secondary scrambling codes are used simultaneously with the primary scrambling codes and are also used in scrambling data channels. Further, the secondary scrambling codes are signalled through a separated channel (for example, said common channel), while the primary scrambling codes do not need separated signalling. The codes of Popovic are merely used for synchronization in the sync channels. The secondary sync codes of Popovic have nothing to do with scrambling. And, the primary sync codes and the secondary sync codes are always on-air and separate signalling is not needed. Claim 9 describes setting secondary scrambling codes while communicating with the base station using the primary scrambling codes, which is different from Popovic, which does not disclose primary scrambling codes and secondary scrambling codes, a relationship between the primary scrambling codes and secondary scrambling codes, and a method of indicating about whether to use the secondary scrambling codes as set forth in Claim 9. Based on at least the foregoing, withdrawal of the rejection to Claims 9-12 under §103(a) is respectfully requested.

The Examiner has rejected Claims 13-16 under §103(a) as being unpatentable over Terasawa et al. in view of Nystrom et al., with Claim 13 being in independent form. Terasawa et

al. discloses a method and apparatus for mitigating interference between base stations in a wideband CDMA system, and Nystrom et al. discloses communication methods and an apparatus based on orthogonal Hadamard-based sequences having selected correlation properties. Claim 13 relates to identifying a secondary scrambling code, whereas Terasawa et al. relates to synchronization codes. The technical fields of the present invention and the cited references are so different from each other that equating a scrambling code with a synchronization code is improper. Moreover, Terasawa et al. does not disclose the subject matter of Claim 13. More specifically, according to Claim 13, the primary scrambling codes are assigned on a per cell basis to identify the cells and are used in scrambling common channel signals. The secondary scrambling codes are used simultaneously with the primary scrambling codes and are also used in scrambling data channels. Further, the secondary scrambling codes are signalled through a separated channel (for example, said common channel), while the primary scrambling codes do not need a separated signalling. The codes of Terasawa et al. are merely used for synchronization in the sync channels. The secondary sync codes of Terasawa et al. have nothing to do with scrambling. And, the primary sync codes and the secondary sync codes are always on-air and a separated signalling is not needed. Claim 13 describes setting secondary scrambling codes in order to expand a channel capacity of data channels during communication with the base station using the primary scrambling codes, which is different from Terasawa et al., which does not disclose primary scrambling codes and secondary scrambling codes, a relationship between the primary scrambling codes and secondary scrambling codes, and a method of indicating about whether to use the secondary scrambling codes as set forth in Claim 13. Based on at least the foregoing withdrawal of the rejection to Claims 13-16 under §103(a) is respectfully requested.

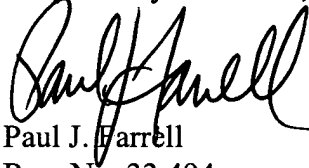
The Examiner rejected Claims 24, 25, 27-31 and 33-35 under 35 U.S.C. §103(a) as being unpatentable over Ostberg et al. (U.S. Patent 6,504,830 B1) in view of Chen et al. Ostberg merely mentions primary and secondary synchronization codes used for synchronization. Referring to col. 3, lines 24-27 of Ostberg, it is clearly indicated that PSC and SSC are primary and secondary synchronization codes, respectively. And further, lines 34-37 describe that Perch 1 and 2 channels (one-way physical channels from the base station to the mobile station) are common control channels. That is to say, Ostberg also does not disclose a purpose of the primary

scrambling codes and secondary scrambling codes, a relationship between the primary scrambling codes and secondary scrambling codes, and a method of indication about whether to use the secondary scrambling codes. Based on at least the foregoing withdrawal of the rejection to Claims 24, 25, 27-31 and 33-35 under 35 U.S.C. §103(a) is respectfully requested.

Independent Claims 9, 13, 24 and 30 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 10-12, 14-16, 25-29 and 31-35, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 10-12, 14-16, 25-29 and 31-35 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 9-16 and 24-35, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr